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THE WORK OF THE DEPARTMENT OF LABOR OF THE UNITED STATES DURING THE WAR

By LOUIS F. POST

ASSISTANT SECRETARY OF LABOR

THE Department of Labor is the youngest of the ten executive departments of the federal government. It was carved out of the Department of Commerce and Labor by an act of Congress approved by President Taft on the 4th of March, 1913. President Wilson immediately appointed as the first Secretary of Labor, William B. Wilson, whose chairmanship of the Committee on Labor in the House of Representatives had just ended by expiration of his term as a Representative from Pennsylvania in the sixty-second Congress. The creation of the Department of Labor is for the purpose, as described in its organic act, of fostering, promoting and developing the welfare of wage-earners, improving their working conditions and advancing their opportunities for profitable employment. There is no discrimination in the act between organized and unorganized labor, although the department was created at the instance of organized labor through nearly half a century of agitation; and Secretary Wilson, himself a lifetime trade unionist, has established the policy of making the department serve all wage-earners alike, whether organized or not, and with full consideration for every other legitimate interest.

In the opening paragraph of his sixth annual report, the Secretary of Labor truly declared that if such a department had not existed at the beginning of the war, Congress would have been obliged to create one. This declaration is a necessary inference from the expansion of the department's functions. Until the entry of this country into the war in April, 1917, the department was equipped with four statutory bureaus—labor statistics, immigration, children, naturalization,—and with an administrative service for mediating labor disputes. It also administered a national system of labor exchanges known as the U. S. Employment Service, which had been developed by the Secretary of Labor for labor emergencies in peace time out of a division in the Bureau of Immigration. This modest departmental equipment had been so expanded before the armistice in November, 1918, as to comprise seven additional administrative services and two important

boards—making a total of fifteen branches. An account of the activities of those branches during the war period and of the duties of departmental supervision which their activities required, would account for the work of the Department of Labor of the United States during the war except in two particulars. It would be necessary to add the invaluable work of the Secretary of Labor as chairman of the President's Mediation Commission which investigated and reported upon the gigantic industrial conflicts of the southwest mineral fields and the northwest timber regions, and to this again, his work as one of the six members of the President's Cabinet who were chosen from the ten Cabinet members to constitute the historic Council of National Defense.

A description of all the activities of the Department of Labor during the war, or of any of them in detail, would carry me far beyond my time, but a brief survey will doubtless answer the purposes of this occasion.

Hardly had our country's part in the war begun when the supreme need for wage-earning labor—for an industrial army at home to supplement our military army at the front—became evident in exciting fashion and with disturbing effect. There-tofore, whenever demand for wage-earning work had exceeded the supply of wage workers, and wages had consequently drifted below the level of decent living, the law of supply and demand was very learnedly invoked as the natural regulator of wages. But when the war came on and this law began operating in the opposite direction, employing interests were eager to discard it in favor of conscripting labor. One of the great services which the Secretary of Labor rendered at that crisis was his insistence that if conscription of labor became necessary, the corresponding opportunities for labor must be conscripted first, so that labor conscripts should work honorably for the government and the public good as soldiers do and not servilely for private employers and private profit. Nevertheless, much confusion arose out of the disposition among employing interests to regard wage-earners less as members of the community than as servants, less as fellow citizens than as items of "labor cost," and when checked by Secretary Wilson's effective resistance to conscription of labor, this disposition began to express itself in demands for some species or other of labor dictatorship.

We had a food dictator and a fuel dictator, "why not a labor dictator?" "Labor is as important and as scarce as food or fuel!" These were rather familiar formulas, in sub-

stance if not in literal terms, at one period of the war. Involving functions of several departments, they of course chiefly concerned the Department of Labor. Indeed its very existence in any vital way was clearly involved. To have placed a labor director and his staff of assistant directors over the Secretary of Labor, as was in fact seriously proposed, would have been revolutionary and not improbably disastrous. It would at any rate have been a menace to the department which had been set up in the interest of wage-earners.

In circumstances such as those the Department of Labor organized its war activities. They sprang out of a set of principles adopted by the Council of National Defense and approved by the President for regulating the relation of war industries to wage earning labor. These principles related to labor exchanges, the training of workers, priority of demands for labor, agencies for the dilution of skilled labor as needed, adjustment of labor disputes without stoppage of work, safeguarding of working conditions, collection of data necessary for effective executive action, and publicity for the clarification of public opinion. Upon his adoption of these principles the President assigned them to the Secretary of Labor for administration.

I have already referred to the administrative machinery which the Secretary of Labor adopted for that purpose. It consisted of the six preexisting branches of the department with the nine additional ones especially organized for war purposes under the authority of the President. The nine additional branches were a war labor policies board, a division of Negro economics, a woman-in-industry service, a labor investigation and inspection service, a shop training and dilution service, a service for public information and education with reference to labor, a bureau of industrial housing and transportation including a section on living conditions, a service on working conditions, and a war labor board for adjudicating industrial disputes.

The War Labor Policies Board is interdepartmental in character, being composed of representatives of all the executive branches of the government having to do with war problems involving relationships of employers and employees. Its chairman is a member of the staff of the Secretary of Labor and its responsibilities as a body are to his department. The Woman in Industry Service is responsible to the Secretary of Labor for those conditions which, ramifying most branches of industry, especially relate to women wage-earners. A somewhat anal-

ogous ramification of the interests of Negro wage workers is represented by the Director of Negro Economics. The Investigation and Inspection Service keeps all the other branches as well as the Secretary informed upon call of such available facts as they need to know for expeditious and intelligent action. The Training and Dilution Service was originally for the purpose in part of preventing industrial abuses of so called "dilution" of skilled labor under war pressure, and in part for improving methods of shop training in the interest of greater production by labor without prejudice to labor, but since the armistice, its "dilution" functions having been abandoned, its work is concentrated upon shop training. The Information and Education Service is for the purpose of informing and educating the public, both by print and speech, as to the work of the department and to those needs of the government with which the department is concerned. The Bureau of Housing and Transportation is charged with the welfare of wage-earners in so far as their welfare relates to living conditions in contradistinction to working conditions. The Working Conditions Service is charged with their welfare in so far as it relates to working conditions in contradistinction to living conditions. The War Labor Board has adjudicated numerous labor disputes on the basis of the right of wage-earners as well as employers to unionize in freedom, of the industrial wisdom of collective bargaining, of the justice of a living wage, and of equal pay for equal work when women are employed in place of men. These bases were adopted unanimously by a commission composed equally of representative employers and wage-earning representatives and presided over jointly by ex-President Taft and Frank T. Walsh.

The work of those new branches of the Department of Labor has been of extreme value, but the story does not end there. Through the Employment Service a national labor exchange has been furnished which has supplied factories with workmen and the wheat fields with harvesters. The Bureau of Labor Statistics has gathered information without which the government and the public could have been grossly misled; for instance, that when cost of living is considered the wages of vast numbers of wage-earners are not especially excessive. The Bureau of Immigration, cooperating with other governmental branches both within and outside the Department of Labor, has adjusted important problems of labor immigration to puzzling problems of labor supply. The Children's Bureau has conducted a nation-wide "drive" for the protection of the

coming generation of men and women against the maleficent influences of war, upon children. The Bureau of Naturalization has made American citizens of thousands upon thousands of alien soldiers in the American armies in France as well as in the United States. The Secretary himself has laid the foundations for making the returning soldiers realize that the country they have fought for is measurably at least their own. And last, though by no means of least importance, the Mediation Service has amicably adjusted approximately 3,200 labor disputes, with satisfaction to all concerned, out of a total of about 3,800 entrusted to it during the war by the disputing parties.

The work of the Department of Labor as a whole is written at large in the sixth annual report of the Secretary of Labor, which brings the story down to the last days of the war.

THE LEGAL AND CONSTITUTIONAL ASPECTS OF THE PROPOSED PROHIBITION AMEND- MENT TO THE FEDERAL CONSTITUTION

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THE proposed prohibition amendment is, outside of the merits of such a policy as a moral measure, so full of suggestions and questions that it becomes a citizen's duty to study its legal and constitutional aspects, its character and the results, if adopted, upon the system of our republican form of government; also the method of its submission by Congress to the states for ratification and the effect of the language wherein concurrent power to legislate is given to the federal and state governments.

The amendment reads as follows:

Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from, the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2. The Congress and the several states shall have concurrent power to enforce this article by appropriate legislation.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several states, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.